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**UTILITY PATENT
APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 09770/105001

First Inventor Jenkins, et. al.

Express Mail Label No. EV330778450US

Title Methods and Compositions for the Use of D-Malic Acid to Decrease Serum Triglyceride, Cholesterol, and Lipoprotein Levles

Application Elements

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27
3. Specification [Total Pages **81**]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Pages **8**]
5. Oath or Declaration [Total Pages **3**]
 - a. Newly executed (original or copy)
 - b. Unexecuted
 - c. Copy from prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Commissioner for Patents
Mail Stop Patent Application
PO BOX 1450
Alexandria, VA 22313-1450

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement
(when there is an assignee)
 - Power of Attorney
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449
 - Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other: check for \$ 500.00

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP) of prior application No: _____

Prior application information: Examiner: _____ Group/Art Unit: _____

19. CORRESPONDENCE ADDRESS
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| | | | | | |
|--|---|-----------|-----------------------------------|-----|----------------|
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| Signature <i>Sherry M. Knowles, Esq. (Registration No. 33,052)</i> | | | Date | | Sept. 15, 2003 |

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22151 U.S. PTO
10/662654
09/15/03

04772 U.S. PTO
09/15/03

FEE TRANSMITTAL

This sheet accompanies a patent application transmittal for the following application:

Inventor(s): Jenkins, et al.

Filing Date: September 15, 2003

Title: Methods and Compositions for the Use of D-Malic Acid to Decrease Serum Triglycerides, Cholesterol, and Lipoprotein Levels

The filing fee is calculated as shown below:

1. FILING FEE:

| FOR: | SMALL ENTITY | LARGE ENTITY |
|--|---------------------|-----------------|
| <input checked="" type="checkbox"/> UTILITY FILING FEE | \$370.00 | \$740.00 |
| <input type="checkbox"/> DESIGN FILING FEE | \$165.00 | \$330.00 |
| <input type="checkbox"/> PLANT FILING FEE | \$255.00 | \$510.00 |
| <input type="checkbox"/> REISSUE FILING FEE | \$370.00 | \$740.00 |
| <input type="checkbox"/> PROVISIONAL FILING FEE | \$80.00 | \$160.00 |
| | SUBTOTAL (1) | \$370.00 |

2. CLAIMS:

| FOR: | NO. FILED | NO. EXTRA | RATE | SMALL ENTITY | LARGE ENTITY |
|--|-----------|-----------|---------------------|-----------------|--------------|
| TOTAL CLAIMS | 50- 20 = | 30 | x \$9 = | \$270.00 | x \$18 = |
| INDEP. CLAIMS | 10-3 = | 7 | 7x \$42 = | \$294.00 | x \$84 = |
| <input checked="" type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED | | | \$140.00= | \$140.00 | +\$280 = |
| | | | SUBTOTAL (2) | \$704.00 | |

3. ADDITIONAL FEES:

| FOR: | SMALL ENTITY | LARGE ENTITY |
|--|---------------------|--------------|
| <input type="checkbox"/> LATE FILING, FEE OR OATH | \$65 | \$130 |
| <input type="checkbox"/> NON-ENGLISH SPECIFICATION | \$130 | \$130 |
| <input type="checkbox"/> OTHER | | |
| | SUBTOTAL (3) | \$ |

TOTAL FILING FEES: \$ 1074.00

A check is enclosed for the amount: \$ 420.00

Charge any additional fees required under 37 C.F.R. 1.16 or 1.17 to Deposit Account 11-0980.

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By: Sherry M. Knowles w/ express permission/Middle Fulton 36174 Date: September 15, 2003

Sherry M. Knowles, Esq.
Reg. No. 33,052

UTILITY PATENT APPLICATION FILING

Certificate of Mailing Under 37 CFR 1.10

I hereby certify that this Utility Patent Application and Transmittal, along with any documents referred to as attached therein are being deposited with the United States Postal Service, on August 1, 2003, in an envelope as "Express Mail Post Office to Addresses" services under 37 CFR 1.10, Mailing Label Number EV330778450US addressed to Commissioner for Patents, Mail Stop Patent Application, PO BOX 1450, Alexandria, VA 22313-1450.



Stephanie D. Adams

Date: September 15, 2003
Attorney Docket No. 09770/105001